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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

R. S .A. No. 2384 of 2004
Date of decision: 11.12.2007

Rajwant Singh and another **...Appellants**

Versus

Sant Lal and others **...Respondents**

CORAM: HON'BLE MR. JUSTICE RAJESH BINDAL

Present: Mr. B.S.Sidhu, Advocate for the appellants

Mr. Rakesh Gupta, Advocate

Mr. Ajay Sharda, Advocate for respondent no.5

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RAJESH BINDAL, J.

The plaintiff through his legal representatives is in second appeal before this Court against concurrent findings of fact by both the Courts below whereby suit filed by him for declaration with consequential relief of permanent injunction has been dismissed.

The claim set up in the suit was that land measuring 18 Biswa is in ownership of the appellant/plaintiff. The claim for ownership was sought to be made on the basis of Bahi entry dated June 24, 1959 vide which Hardayal Singh father of the plaintiff had purchased the property from Jiwan Singh son of Bhag Singh. It was claimed that after the death of his father Hardayal Singh, he had become owner of the property. However, the appellant/plaintiff was not able to lead any convincing evidence on record to identify the property in question. Admittedly, firstly he filed a suit regarding the property in Punjab considering that property was situated in Punjab. However, once the fact was found to be wrong, the same was filed at Dabwali, District Sirsa. With no evidence, the plaintiff had been able to identify and connect his property bearing Khasra No. 828/2**,** which was

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purchased by respondents/defendants by various sale deeds. Even otherwise the ownership claimed on the basis of Bahi entry is totally unknown to law. The description of the property as mentioned in the plaint and as stated by the plaintiff in his evidence did not talley. At the time of spot inspection even the plaintiff was also present. It is further found by the Courts below that from the entire evidence adduced by the appellant/plaintiff, it could not at all be proved that Khasra No.828/2**,** the ownership of which is sought to be claimed by the appellant/plaintiff even exists in the revenue record. Even the ownership of the vendor to the father of the plaintiff was also not proved. The Lower Appellate Court rather clearly found that it was admitted case of the appellant/plaintiff that there was no mention of the suit land in the revenue record from the very beginning even though it was allegedly purchased by his father way back on June 24, 1959 but still no corrective steps were taken immediately and the present suit was sought to be filed only in the year 1995 i.e. after 36 years of the alleged purchase of the suit land merely by way of an entry in the Bahi.

Once the property in dispute, the ownership of which is sought to be claimed by the appellant/plaintiff could not be proved in terms of the revenue record brought on record by him, the appellant was no entitled to any relief whatsoever. The findings recorded by the Courts below are plain and simple findings of fact, which cannot be held to be perverse.

No substantial question of law arises in the present appeal and the same is dismissed.

December 11 , 2007 **(Rajesh Bindal)**
Pka **Judge**